

1 **THE WESTON FIRM**
2 GREGORY S. WESTON (239944)
3 *greg@westonfirm.com*
4 1405 Morena Blvd., Suite 201
5 San Diego, CA 92110
6 Telephone: (619) 798-2006
7 Facsimile: (619) 343-2789

8 **Counsel for Plaintiff**

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11
12 SHAVONDA HAWKINS, on behalf
13 of herself and all others similarly
14 situated,

15 Plaintiff,

16 v.

17 THE KROGER COMPANY,

18 Defendant.
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Case No: 3:15-cv-02320-JM-AHG

**DECLARATION OF SHAVONDA HAWKINS IN
SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

Judge: The Honorable Jeffery T. Miller
Date: March 2, 2020
Time: 10:00 a.m.
Location: Courtroom 5D

1 I, Shavonda Hawkins, declare:

2 1. I understand that as a lead plaintiff in this action, I am representing the
3 interests of consumers, like myself, and that I have a duty to represent absent class
4 members.

5 2. I understand that my duties as a class representative include giving
6 testimony at a deposition, and at trial if necessary. I also understand that I should only
7 accept a settlement I believe is in the class's best interests. I take my obligations as a
8 class representative seriously and intend to abide by them. I trust my lawyer to give me
9 good advice because I know he has been doing trans fat cases for a long time and has
10 been appointed by judges in trans fat cases as class counsel.

11 3. I have actively participated in discovery in this action. Specifically, I sat for
12 a deposition on January 3, 2020. Last year I searched my e-mail, computer hard drive,
13 personal files, and my Facebook history for documents responsive to Kroger's Requests
14 for Production and provided these documents to my attorney. I also provided Kroger with
15 pictures of my all the food products in my refrigerator and kitchen cabinets in response to
16 discovery requests.

17 4. When I purchased Kroger Bread Crumbs, I read and believed the product's
18 "0g trans fat" claim as one of the reasons for my purchases. When I learned it wasn't true
19 a few months before filing this case, I stopped buying them and switched to other brands.
20 If I had known the "0g trans fat" claim wasn't true, I would have started buying those
21 other brands instead of Kroger's such sooner. Further, I never would have purchased
22 Kroger Bread Crumbs had I known that they were not safe to consume.

23 5. I attended the 9:30am Settlement Conference on February 24, 2020 and left
24 at 10:45 after getting permission from Judge Goddard. Normally, I would be able to take
25 off my second afternoon shift, which begins at 11:15am. However, currently Chula Vista
26 schools have both a bus driver short-staffing situation and have also been having a lot of
27 winter illnesses.

6. My job will not stop me from preparing for and testifying at a trial in this case. I don't have quite the flexibility as some people, but there is no way I will miss attending this trial about a case I have been doing for five years and is important to me.

7. I misspoke at the deposition when I said I met my lawyer in person several times in person about the case, but did not communicate in other ways. I have of course spoken to him many times by telephone, e-mail, and text message. Just in the year 2019, we exchanged cell phone text messages on:

- February 18
- February 25
- May 1
- May 2
- May 14
- May 17
- May 28
- June 6
- July 16
- July 17
- July 29
- September 16
- September 19
- September 27
- November 13
- November 16
- December 10
- December 13
- December 31

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on February 24, 2020 in San Diego, California.

Shavonda Hawkins

1 DATED: February 24, 2020

Respectfully Submitted,

2 /s/ Gregory S. Weston

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